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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/566,255	01/30/2006	Akito Fukui	L9289,06108	3522
53989	7590	06/01/2010		
Dickinson Wright PLLC James E. Ledbetter, Esq. International Square 1875 Eye Street, N.W., Suite 1200 Washington, DC 20006			EXAMINER ANWAR, MOHAMMAD S	
			ART UNIT 2463	PAPER NUMBER
			MAIL DATE 06/01/2010	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/566,255

**Applicant(s)**

FUKUI, AKITO

**Examiner**

MOHAMMAD ANWAR

**Art Unit**

2463

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 May 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 4 and 7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 4 and 7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SI/200)
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date: \_\_\_\_\_

## **DETAILED ACTION**

### **Finality**

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 4 and 7 have been considered but are moot in view of the new ground(s) of rejection. Please see response below:  
(b) in the radio network control apparatus, when the mobile communication terminal apparatus accesses the internal server while the session for packet transfer is established between the serving general packet radio service support node and the mobile communication terminal apparatus, transmitting information that relates to internal server access and that is transmitted from the mobile communication terminal apparatus, to the serving general packet radio service support node, and transferring packets that are for the internal server and that are transmitted from the mobile communication terminal apparatus, directly to the internal server, without involving the serving general packet radio service support node (see Gilchrist et al. column 4 lines 50-61).

### ***Claim Rejections - 35 USC § 103***

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
  2. Ascertaining the differences between the prior art and the claims at issue.
  3. Resolving the level of ordinary skill in the pertinent art.
  4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
4. Claims 4 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vilander et al. (U.S. Patent No. 6,553,219 B1) in view of Gilchrist et al. (U.S. Patent No. 7,042,855 B1).

**For claims 4 and 7,** disclose a system, the packet communication system comprising: a user communication apparatus (Figure 1 (1); user communication apparatus); an operator communication apparatus that performs communications with the user communication apparatus (Figure 1 (4); operator communication apparatus); and a communication network that performs communications with the user communication, apparatus and the operator communication apparatus, wherein: the user communication apparatus comprises: an internal network; a base station apparatus connected to the internal network (see column 4 lines 13-15); an internal server connected to the internal network (see Figure 1 (8); column 4 line 21, Internet access server); a radio network control apparatus connected between the internal network and the operator communication apparatus (see column 4 line 15); and a mobile communication terminal apparatus that performs communications with the base station apparatus by radio signals (see Figure 1 (9); Mobile Terminal), and the operator communication apparatus comprises: a serving general packet radio service support node connected to the radio network control apparatus through a relay network (see column 4 line 16); and a gateway general packet radio service support

node connected between the serving general packet radio service support node and the communication network (see column 4 line 17), and wherein: the packet communication method comprises:

(a) transmitting an active packet data protocol context request from the mobile communication terminal apparatus to the serving general packet radio service support node, setting up a radio access bearer between the serving general packet radio service support node and the mobile communication terminal apparatus, transmitting an activate packet data protocol from the general packet radio service support node to the mobile communication terminal apparatus and establishing a session for packet transfer between the serving general packet radio service support node and the mobile communication terminal apparatus (see Figure 2, service request and response); and

(b) in the radio network control apparatus, when the mobile communication terminal apparatus accesses the internal server while the session for packet transfer is established between the serving general packet radio service support node and the mobile communication terminal apparatus, transmitting information that relates to internal server access and that is transmitted from the mobile communication terminal apparatus, to the serving general packet radio service support node, and transferring packets that are for the internal server and that are transmitted from the mobile communication terminal apparatus, directly to the internal server, without involving the serving general packet radio service support node (see column 3 lines 20-42).

Vilander et al. disclose all the subject matter but fails to mention explicitly a) the context establishment between mobile terminal and SGSN and GGSN and b) the address

resolution within BSS or radio network controller after establishing context with SGSN. However, Gilchrist et al. from a similar field of endeavor disclose a) the context establishment between mobile terminal and SGSN and GGSN (see column 3 lines 53-67 and column 4 lines 1-7); b) the address resolution within BSS or radio network controller after establishing context with SGSN for local routing (see Figure 4 and 5, column 2 lines 58-63; column 7 lines 41-67 and column 8 lines 1-23). Thus it would have been obvious to one ordinary skill in the art at the time of invention was made to include Gilchrist et al. address resolution scheme into Vilander et al. communication scheme. The method can be implemented in a radio network controller. The motivation of doing this is to separate local traffic routing without routing through packet data gateway (see column 2 lines 58-63).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MOHAMMAD ANWAR whose telephone number is (571)270-5641. The examiner can normally be reached on Monday-Thursday, 9am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derrick W. Ferris can be reached on 571-272-3123. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MOHAMMAD ANWAR  
Examiner  
Art Unit 2463

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Examiner, Art Unit 2463

/Derrick W Ferris/  
Supervisory Patent Examiner, Art Unit 2463